

NOTE: This translation of the Tender specifications from the Slovak into the English language is for an informative purpose only. The Procuring entity provides no guarantee for quality of this translation and the binding wording of the Tender specifications is in the Slovak language.

Open competition

according to of the Act.no. 343/2015 Coll. on public procurement and on amendments and supplements of certain acts, as amended

Evidence number of tender: 19-0085-VS

**Frame contracts for general overhauls of gas generators LM2500DLE and
LM2500+DLE
Tender specification**

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Preamble

This open competition (hereinafter referred to as "Competition") is governed by the provisions of the Act No. 343/2015 Coll. on public procurement and on amendments and supplements of certain acts, as amended (hereinafter referred to as "Public Procurement Act" or "Act").

1. Identification data of the Contracting entity

Business name: **eustream, a.s.**
Registered office: Votrubova 11/A, 821 09 Bratislava, Slovak Republic
Legal form: Joint-stock company incorporated in the Commercial Register, Bratislava I District Court, Section: Sa, File no.: 3480/B
Company ID: 35 910 712
Tax ID: 2021931175
VAT ID: SK2021931175
Internet: www.eustream.sk
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(hereinafter referred to as the "Contracting Entity")

2. Subject of the Contract

The subject of the Contract is a conclusion of Frame contracts for general overhauls of gas generators LM2500DLE and LM2500+DLE, which are planned to be implemented within the next five years. Specifically, it includes Mid-life Overhaul of the gas generator LM2500DLE of the turbo-compressor unit T1 at Compressor station 03 in Veľké Zlievce after 25,000 operating hours and Major Overhauls of gas generators of the turbo-compressor units R5 and R6 at Compressor station 01 in Veľké Kapušany after 50,000 operating hours (hereinafter referred to as "Subject of Contract").

2.1. Designation of the Subject of Contract

Designation of the Subject of Contract according to CPV:

Main glossary: 50530000-9

2.2. Type of the Subject of Contract

Goods

Service

Work

2.3. Specification of the Subject of Contract

The Subject of the Contract is the Mid-life Overhaul of the of one gas generator (hereinafter referred to as "GG") LM2500DLE of turbo-compressor unit T1 at Compressor station 03 in Veľké Zlievce and Major Overhauls of two GG's LM2500+DLE of turbo-compressor units R5 and R6 at Compressor station 01 in Veľké Kapušany in the following assumed terms:

1. GG LM2500+DLE serial number: s/n 642-199 (internal number of procuring entity R6) assumed term of realization is 12/ 2020 or 1/2021.
2. GG LM2500+DLE serial number: s/n 642-200 (internal number of procuring entity R5) assumed term of realization is the end of 2021.
3. GG LM2500DLE serial number: s/n 671-231 (internal number of procuring entity T1) assumed realization is after completing of 25, 000 operating hours probably in 2024.

The Mid-life Overhaul includes repair of the hot part section of the GG (i.e. the combustor and vanes and blades of the first and second stage of the high pressure turbine) extended by an inspection and eventual repair of axial compressors (particularly blades and vanes of the axial compressor, VSV system and auxiliary gearbox), depending on results of the initial inspection of each GG.

The Major Overhaul furthermore includes also the major overhaul or replacement of the combustion chamber, overhaul or replacement of the first and second stage of vanes and blades of the high pressure turbine, overhaul of fuel gas premixers, major overhaul of the lubricating and suction oil pump, major overhaul of the VSV system, major overhaul of axial compressor rotor and stator, major overhaul of the front, middle and rear GG frame, major overhaul of input and auxiliary gearboxes, as well as eventual repairs of other components based on results of the initial inspection of each GG.

A part of the Mid-life overhaul and Major Overhauls of the GG is also its initial inspection based on which the actual scope of the overhaul will be specified since it is not possible to determine accurately the entire scope of the overhaul prior to this inspection.

The Mid-life Overhaul and Major Overhauls specifications are split into items specifying individual partial activities to be carried out in the course of each overhaul. These items belong into three groups:

- Must be items which must be carried out within the overhaul in their entire scope to each GG;
- Optional items, implementation of which in their entire scope is not expected within a particular overhaul; there are the activities and spare parts, performing (or supply respectively) of which as well as their scope (quantity) will be agreed on with the supplier individually upon results of the initial inspection of each GG according to the found out extent of the wear of individual GG parts that will be subject of the initial inspection;
- Service bulletins and modifications resulting therefrom, implementation of which is planned within these overhauls; the Contracting Entity reserves the right to take a decision on the implementation of the service bulletins only after the conclusion of a relevant partial contract (purchase order), and at the time when the scope of the overhaul will be detailed (agreed more precisely) on basis of the initial inspection results.

The detailed specification of the individual aforementioned items is shown for the Mid-life Overhaul in Annex 1 and for the Major Overhauls in Annex 2 of the commercial and contractual terms and conditions constituting Annex No. 1 of this Tender specification.

The Contracting Entity will conclude a framework contract with each tenderer who will submit technically and commercially acceptable bid. As technically and commercially acceptable is considered following bid:

- submitted by the Original Equipment Manufacturer of GG`s LM2500 DLE and LM2500+ DLE or submitted by a company authorized for maintenance, repair and overhaul of the GG`s LM2500 DLE and LM2500+ DLE by the Original Equipment Manufacturer (hereinafter as "OEM"),
Which complies with the requirements related to the Subject of the Contract presented in these Tender specifications and their annexes, and
- a part of which is an acceptance of the commercial and contractual terms and conditions shown in the Annex no. 1 of this tender specification in writing.

During the validity of the framework contracts, the Mid-life Overhaul and Major Overhauls of GG`s will be awarded individually as partial contracts upon the framework contract and based on repeated opening the Open Competition through so called electronic demands via electronic portal (further specified in paragraph 9) between the suppliers with whom the framework contracts will be concluded. Within electronic demand, suppliers will send price offers for particular GG Mid-life Overhaul or Major Overhaul according to a particular technical specification and an appropriate partial contract (purchase order) will be awarded to the supplier who will submit the lowest price in the electronic demand.

Annex no. 1 to the business and contractual conditions ("Annex no. 1_ Specification and Pricelist of Mid – Life Overhaul") and Annex no. 2 to the business and contractual conditions ("Annex no. 2_ Specification and Pricelist of Major Overhaul") without prices shall become a part of the framework contract concluded with each tenderer.

Duly filled Annex no. 1 or Annex no. 2 to business and contractual conditions with prices (based on electronic

demand) shall become a part of appropriate partial contract (purchase order) that will be concluded for GG Mid-life Overhaul or Major overhaul implementation.

2.4. Type of contract to be concluded for the Subject of Contract

The tender will result in conclusion of a framework contract. The Contracting Entity expects to conclude the framework contract with several tenderers.

2.5. Place of performance of the Subject of Contract

The place of GG LM2500DLE serial number: s/n 642-199 and GG LM2500DLE serial number: s/n 642-200 takeover place and also handover is the locality of eustream, a.s., Compressor station CS01, 079 48 Veľké Kapušany, Slovakia, GPS: 48.531867,22.068014.

The assumed place of GG LM2500DLE serial number: s/n 671-231 takeover place and also the handover is the locality of eustream, a.s., Compressor station CS03, 991 23 Veľké Zlievce, GPS: 48.179623,19.465756.

The place of Subject of Contract performance will be the manufacturer's repair shop. .

2.6. Deadline for performance of the Subject of Contract

2.6.1. The framework contract for the Subject of Contract shall come into force and effect on a date of its signing by both contracting parties.

2.6.2. The validity of framework contract for work is until 31.12.2026.

2.7. Commercial and Contractual Terms and Conditions of Performance of the Subject of Contract

The commercial and contractual terms and conditions of performance of the Subject of Contract constitute Annex no. 1 to the Tender specification, which contains the complete text of the framework contract including its annexes (hereinafter referred to as "T&C's").

2.8. Method of price determination in a bid

2.8.1. The price must be denominated in EUR free of VAT.

2.8.2. The Contracting Entity excludes any possibility of price amendment for the Subject of the Contract depending on the change of an exchange rate between EUR and any foreign currencies or on the change of mutual exchange rate of any other currencies (so-called "exchange rate clause"). The Contracting Entity reserves the right not to accept a bid in which any option for price change is included based on the exchange rate clause.

2.8.3. The price for the Subject of Contract, which the candidate offers in its bid, must include all economically justified costs of the tenderer for the Subject of Contract (e.g. transport costs, **customs**, etc.) in the scope and under the conditions specified in the T&C's.

2.8.4. The price for the Subject of Contract must be, in case of a tenderer with its registered office in the territory of the Slovak Republic, determined in compliance with the provisions of the Act No. 18/1996 Coll. on prices, as amended. If a tenderer has its registered office outside the territory of the Slovak Republic, the price must be determined in the manner usual in international business, otherwise in compliance with the price regulations applicable in the country of residence of the tenderer.

2.8.5. The Contracting Entity reserves the right to exclude a proposal from the Competition, in which the price for the Subject of Contract is not determined in compliance with the requirements specified in this article.

3. Communication

3.1. Communication, provision of explanations and documents submission (hereinafter "communication") between the Contracting Entity and tenderers will be performed in the Slovak language or in the English language in a manner that ensures the completeness and content of the data stated in the bid, terms of

- participation conditions and ensure the protection of confidential and personal data in these documents.
- 3.2. In communication with the applicants/tenderers, the Contracting Entity will follow Art. 20 of the Act on Public Procurement using the JOSEPHINE system communication interface. This means of communication applies to any communication and submissions between the Contracting Entity and the applicants/tenderers (hereinafter referred to as "JOSEPHINE").
- 3.3. For the purposes of this public procurement procedure, JOSEPHINE shall mean the software for electronic award of public contracts. JOSEPHINE is a web-based application at the domain <https://josephine.proebiz.com>.
- 3.4. In order to use the JOSEPHINE system smoothly, it is necessary to use one of the following supported internet browsers:
- Microsoft Internet Explorer version 11.0 or higher;
 - Mozilla Firefox version 13.0 or higher, or;
 - Google Chrome;
 - Microsoft edge.
- 3.5. Delivery rules – a shipment shall be deemed delivered to an applicant/tenderer, if its addressee will have an objective possibility to be acquainted with its content, i.e. immediately after the shipment gets to their sphere of disposition. In the JOSEPHINE system, the moment of delivery posting in the JOSEPHINE system, in compliance with the system functionality, shall be deemed the moment of its sending.
- 3.6. If the Contracting Entity sends a shipment, a notice will be sent to the e-mail address specified by applicant/tenderer, without undue delay, that a new shipment/message exists to the contract in question. If the applicant/tenderer logs into the system, it will be able to view the content of the communication - consignment, message, in the contract communication interface. In the communication interface, the applicant/tenderer is able to view the whole history of his communication with the Contracting Entity.
- 3.7. If a shipment is sent by the applicant/tenderer, after logging into the system and into the procurement procedure in question, the applicant/tenderer can send messages and relevant attachments to the Contracting Entity through the communication interface. Such shipment shall be considered as delivered to the Contracting Entity at the moment of sending in the JOSEPHINE system, in compliance with the system functionality.
- 3.8. The Contracting Entity recommends the applicants who would like to be informed about prospective updates regarding the Contract through notification e-mails, to click the "**I AM INTERESTED**" button (top right of the screen). The notification e-mails are delivered also to applicants registered with the given Contract on the electronic list of candidates.
- 3.9. The Contracting Entity enables an unlimited and direct access to the Tender specification and any supporting documents through electronic means. The Tender specification and possible explanation or supplementation of the Tender specification or explanation of the requirements included in the invitation to tender submission, conditions of participation in public procurement, informative documents or other supporting documentation will be published by the Contracting Entity as electronic documents in the Contracting Entity's profile <https://www.uvo.gov.sk/> or the Contracting Entity will publish all these documents as electronic documents in the JOSEPHINE system.
- 3.10. Filings and documents related to revision procedures are delivered between the Procuring entity and the applicants/tenderers electronically through the communication interface system JOSEPHINE. The delivery of objections and their appeal in relation to the Office of Public Procurement is solved in accordance with Article 170, para. 8, letter b) of the Act on Public Procurement.
- 3.11. Language of the tender
- 3.11.1. In compliance with the provisions of Article 21 par. 6 of the Public Procurement Act, the bids and other documents in the public procurement procedure are submitted in the state language, i.e. in the Slovak language. **Where a document is issued in a foreign language, it shall be submitted along with its certified translation into the state (Slovak) language.** This does not apply to bids, proposals and documentation produced in the Czech language. If a difference is found in their content, the certified translation into the state language shall prevail.

3.11.2. The Contracting Entity reserves the right to disregard documents submitted in other than the state (Slovak) language and at the same time not translated into the state (Slovak) language, except for the documents submitted in the Czech language.

3.12. Explanation and supplementation of the Tender specification

3.12.1. Requests for explanation have to be delivered to the Contracting Entity through the JOSEPHINE system in Slovak and/or English and/or Czech language, otherwise the Contracting Entity is not obliged to provide an explanation.

3.12.2. The Contracting Entity shall provide an explanation according to Art. 48 of the Act on Public Procurement to all applicants/tenderers who were provided the Tender specification through the JOSEPHINE system or publishes such explanation on its web profile, if the explanation was requested sufficiently in advance. A timely delivered request for explanation deems a request delivered to the Contracting Entity through the JOSEPHINE system in Slovak, Czech or English language **no later than 12 days prior to expiration of the period** for submission of the bids according to par. 6.2 of this Tender specification. The Contracting Entity is not obliged to provide any explanation to a request for explanation delivered later.

4. Registration

4.1. An applicant can register into the JOSEPHINE system with password or also using the identity card with electronic chip and security personal code (eID).

4.2. Only an authenticated applicant can submit bids. Authentication can be done in the following ways:

- a) In the JOSEPHINE system, by registration and login using the identity card with electronic chip and security personal code (eID). A company is authenticated in the system, by the registration of the eID by the statutory representative of the company. The JOSEPHINE system provider carries out authentication on working days from 8.00 AM to 4.00 PM.
- b) Uploading of a qualified electronic signature (for example eID signature) of the company's statutory representative to the user's card upon registration and login into the JOSEPHINE system. The JOSEPHINE system provider will perform authentication during working days from 8.00 AM to 4.00 PM.
- c) Placing the power of attorney, signed by an electronic signature of the statutory representative and also by an authorized person, or which has been created upon paper form by guaranteed conversion, to the user's card after registration. The JOSEPHINE system provider will perform authentication during working days from 8.00 AM to 4.00 PM.
- d) Waiting for the authorization code sent to the applicant's company registered office address as a registered mail letter. This action takes usually 3 working days and it is necessary to consider this period when entering the bid.

4.3. After login into the JOSEPHINE system, an authenticated applicant selects the procurement event in the list of procurement events and enters its bid into the form designated for receiving bids in the "Bids and Requests" bookmark.

5. Participation conditions

Every candidate must comply with the participation conditions in this tender, shown in this paragraph.

5.1. Personal status under Art. 32 of the Public Procurement Act

- a) It does not have any prohibition on participation in a public procurement confirmed by a court ruling in the Slovak Republic or in the state of residence, place of business or habitual residence;

The applicant shall demonstrate fulfilment of the participation condition according to this paragraph:

- a) letter a) by presenting an affidavit;

5.2. Technical and professional competence under Art. 34 of the Public Procurement Act

The Contracting Entity requires, that the applicant proves achievement of conditions concerned the Technical or professional competence according to § 34 of the Public Procurement Act by:

- a) Affidavit that the candidate is the Original Equipment manufacturer (OEM) of gas generators LM2500 DLE and LM2500 + DLE, or
a copy of the document proving that the applicant is an authorized service partner of GE Energys Aeroderivative Gas Turbines (GE Aero) company (the original manufacturer of the gas generators LM2500 DLE and LM2500 + DLE), authorizing the applicant to perform Level 4 maintenance of these gas generators.

To demonstrate the technical or professional capacity, the applicant may use the technical or professional capacity of another entity, regardless of the legal relationship between them. In such case, the applicant must prove to the Contracting Entity that, while performing the contract, the applicant will be able to really dispose of the resources of the entity, whose capacity has been used to demonstrate the technical or professional capacity. This fact is demonstrated by the applicant by a written agreement concluded with such entity, including the commitment of the entity whose capacity are intended for demonstrating the technical or professional capacity, that such entity will provide the performance for the entire term of the contractual relation. There must be no reason for exclusion according to § 40, section 6 letter a) to h) and section 7 regarding the entity, whose capacity is to be used to demonstrate the technical or professional capacity.

6. Submission of bids, contents of bids and instructions for composition of bids

- 6.1. A tenderer shall submit the bid electronically within the period for submitting of the bids. A bid shall be prepared electronically according to Art. 49 par. 1 (a) of the Act on Public Procurement and entered into the JOSEPHINE system published on the web address <https://josephine.proebiz.com/>.
- 6.2. Bids must be submitted no later than by expiration of the period for submitting bids, which shall expire on: **18th September 2020 at 12:00:00AM, CET.**
- 6.3. Electronic bid shall be entered by completing the bid form and uploading the required materials and documents in the JOSEPHINE system published on the web address <https://josephine.proebiz.com/>.
- 6.4. A bid submitted through the JOSEPHINE system must contain enclosed scanned documents ("PDF" being the recommended format), in particular:
 - a) Cover letter that should contain at least the following information:
 - business name and address of the registered office of the candidate/applicant;
 - contact person of the candidate/applicant: name and surname, function, phone and e-mail.
 - b) Documents demonstrating compliance with the participation conditions under paragraph 5 of this Tender specification.
 - c) An affidavit of the tenderer/applicant that if it is successful in this Competition, it will conclude with the Contracting Entity the framework contract for work in the wording as attached in the Annex no. 1 of this Tender specification. The tenderer/applicant or its statutory body or a person authorised to act on behalf of the tenderer/applicant in contractual relations must sign the affidavit. This affidavit forms Annex no. 2 of this Tender specification.
- 6.5. If the bid contains confidential information, the tenderer shall visibly identify these in the bid.
- 6.6. Following a successful upload of the bid into the JOSEPHINE system, the applicant will be send a notification informative e-mail to the e-mail address of the applicant user who uploaded the bid.
- 6.7. The applicant is able to withdraw the submitted bid until the deadline for submission of bids. If withdrawing the bid, the applicant shall proceed similarly as when entering the initial bid (clicking the "Withdraw Bid" button and submitting a new bid).
- 6.8. The applicant may only submit single one bid. The applicant in the same procedure of contract awarding may not be a member of a group of suppliers, which submits a bid. The Contracting Entity shall exclude an applicant, who is a member of a group of suppliers at the same time.

6.9. The risk of delay in bid delivery is in full scope borne by the applicant. The bid submitted after the deadline for submission of bids will not be made available electronically.

7. Group of suppliers

A tenderer in this contract award procedure may also be a group of suppliers if all the members of this group of suppliers proved compliance with the participation conditions as per Article 37 par. 3 of the Public Procurement Act (hereinafter referred to as "group of suppliers").

In case that the bid is submitted by a group of suppliers, the Contracting Entity will lead communication within the Competition with the representative of this group authorised for communication with the Contracting Entity within the Competition.

In case that a bid submitted by a group of suppliers is accepted, the Contracting Entity:

- a) will require that all the members of the group authorise one member for representing the whole group in contact with the Contracting Entity upon performance of the Contract.
- b) will require that all the members of the group undertake to perform the Contract jointly and severally (principle of solidarity);
- c) will require that during the performance of the Contract each member of the group separately issues invoices to the Contracting Entity for its performances provided to the Contracting Entity under the Contract;
- d) will not require creation of any legal form by this group of suppliers but it requires that the members of the group of suppliers duly regulated their mutual relations so that they are able to duly perform the Contract; in such a case the Contracting Entity is entitled to ask the group of suppliers to prove how their mutual relations are regulated;

8. Evaluation of bids

8.1. Opening of bids

8.1.1. The opening of bids is performed pursuant to Article 52 of the Public Procurement Act as follows:

8.1.1.1. Opening of the bids will be done electronically.

8.1.1.2. Date and place of opening of the bids is shown in the announcement of the public procurement.

8.1.1.3. The opening of the bids is performed by the committee, which is established by the Contracting Entity in compliance with Article 51 of the Public Procurement Act for evaluation of the bids in this competition (hereinafter referred to as "committee").

8.1.1.4. Because the final order of bids in the Competition will be only formal and will not be set in the automated manner by means of an electronic auction, the Contracting Entity is obliged to enable participation in opening of bids to all tenderers who have submitted a bid in the deadline for bid submission and whose bid was not excluded. As the bids are submitted electronically, their opening will be done electronically by making them available in the JOSEPHINE system after expiring the period for bid submission. Subsequently, the committee will publish business names, registered offices or places of business of all tenderers and their proposals for fulfilment of the criteria, which can be expressed by numbers; the other information stated in the bid are not published.

8.1.1.5. The Contracting Entity, within the meaning of Article 52 para. 3 of the Public Procurement Act, will send, at latest within five working days after the date of opening the bids to all tenderers that submitted bids in the deadline for bid submission, the Minutes of opening of bids, which will include data published at opening bids pursuant to point 8.1.1.4 of this Article.

8.2. The rules for evaluation of bids

8.2.1. The committee evaluates the bids in compliance with the provision of Article 53 of the Public Procurement Act.

8.2.2. The committee shall evaluate the bids from the aspect of meeting the requirements of the Contracting

Entity for the Subject of the Contract and, in case of doubt, it will verify the correctness of the information and proof provided by the tenderers. If the committee identifies discrepancies or ambiguities in the information or in the proofs provided by the tenderer, in writing it will request explanation of the bid and, if necessary, also to submit proof. By explanation of the bid, the bid may not change. Under change of the bid, we do not understand removal of clear mistakes in writing and calculation.

- 8.2.3. If an extraordinarily low offer appears, the committee will proceed in compliance with Article 53 of the Public Procurement Act. If an extraordinary low offer appears in particular bid in relation to the goods, construction works or service, the committee will request in writing from the tenderer to explain the part of the bid, which is substantial for the price.
- 8.2.4. The Contracting Entity shall exclude the bid if
- a) the bid does not meet the requirements for the Subject of the Contract specified in the documents necessary for elaboration of the bid,
 - b) the tenderer does not deliver explanation of the bid based on the requirement according to clause 8.2.2 of this article within two working days as of the date of sending the request for explanation, if the committee did not determine a longer period,
 - c) the explanation of bid submitted by the tenderer as to its contents is not in compliance with the requirement according to clause 8.2.2 of this article,
 - d) the tenderer does not deliver a written justification of the extraordinarily low offer within five working days as of the request delivery if the committee did not determine a longer period,
 - e) the explanation of the extraordinarily low offer and the proof submitted by the tenderer do not sufficiently justify the low level of prices or costs, mainly with respect to the fact according to § 53, point 2 of the Public Procurement Act,
 - f) the tenderer has provided incorrect information or distorted information with substantial impact on evaluation of the bids,
 - g) the tenderer illegally tried to affect the public procurement procedure.
- 8.2.5. If the tenderer justifies the extraordinarily low offer by obtaining a state aid, it must be able within a reasonable period determined by the committee to prove that the state aid has been provided to it in compliance with the internal market rules of the European Union, otherwise the Contracting Entity shall exclude the bid.
- 8.2.6. In evaluating the bids that have not been excluded the committee proceeds only according to the criteria specified in the notification of the Competition and the method specified in this Tender specification.

8.3. Criteria for evaluation of bids and electronic demands and rules of their application

- 8.3.1. The bids will be evaluated according to the criteria and rules of their application specified in this clause.
- 8.3.2. Each bid shall be evaluated according to the criterion: **Price: 100 %**
- 8.3.3. The price excluding VAT offered for the Mid-life Overhaul of 1 GG LM2500DLE throughout its intended scope specified in Annex 1 of the T&C's and conditions of performing the Subject of the Contract or the price excluding VAT offered for the Major Overhaul of 1 GG LM2500+DLE throughout its intended scope specified in Annex 2 of the T&C's and conditions of performing the Subject of the Contract that are part of Annex no. 1 of these Tender specifications, which will be determined as follows:

$$C=C_M+C_{Opt}+C_{SB}$$

Where:

- C - The total expected price for the overhaul of 1 pcs GG within intended scope;
- C_M - The total price for the so-called Must-be overhaul items, which is determined as the sum of the prices of all Must-be items in the scope that forms Annex 1 of the T&C's or Annex 2 of the T&C's and which will be a part of the framework contract for the Subject of the Contract;

C_{Opt} - The total estimated price for the so-called Optional items of the overhaul of 1 GG, which is determined as the sum of weighted prices of individual Optional items in the scope that forms Annex 1 of the T&C's or Annex 2 of the T&C's and which will be a part of the framework contract on the Subject of the Contract;

C_{SB} - Total price for the so-called Service Bulletins (MODs), which is determined as the sum of the prices of all Service Bulletins (MODs) items in the scope that forms Annex 1 of the T&C's or Annex 2 of the T&C's and which will be a part of the framework contract for the Subject of the Contract;

The weights of each Optional items during the mid-life overhaul will be determined as the probability of their realization based on the results of the mid-life overhauls realized by the Contracting Entity in the past.

- 8.3.4. For the Major Overhauls planned in 2020/2021 - GG serial number: s/n 642-199 and in 2021 - GG serial number: s/n 642-200, and for the Mid-life Overhaul probably in 2024 of GG serial number: s/n 671-231, all suppliers, with whom the framework agreement for the Subject of the Contract will be concluded, will be called to submit a current price bid by means of repeated opening of the public tender through so called electronic demand (hereinafter referred to as "demand"). For each overhaul a separate demand shall be notified. The criterion for bid evaluation in demands will be the **Price 100%** according to point 8.3.2.

9. Electronic demand

During the validity of the framework contract, electronic demands shall be use by the Contracting Entity for determining the final ranking of bids for the Major Overhauls of GGs with serial number: s/n 642-199 and s/n 642-200 a Mid-life Overhaul of GG with serial number s/n 671-231.

9.1. General information

- 9.1.1. For the purpose of this public procurement procedure, a demand is a process using electronic means for submission of price proposals (bids).
- 9.1.2. The subject of demand is the same as the Subject of Contract specified in the notification of this public procurement procedure and further specified in this Tender specification and call to the electronic demand.
- 9.1.3. An administrator of the Contracting Entity is a person who within the demand invites the candidates to submit new prices. The administrator of demand is:

Name and Surname: Lenka Gažová, Strategic Buyer

E-mail address: lenka.gazova@eustream.sk

Tel.: +421 (0)2 6250 7147

Or

Name and surname: Ján Repa, Strategic Buyer

E-mail address: jan.repa@eustream.sk

Tel: +421 (0)2 6250 7167

9.2. The course of demand

- 9.2.1. The administrator repeatedly opens the Open Competition and sends a call for participation in the demand (hereinafter referred to as "call") by electronic means at the same time to all candidates with whom the framework contract has been concluded.
- 9.2.2. In the call, all the respective information related to the individual connection to the used electronic equipment, date and time of start of the demand and the method of demand completion and a formula for determination of the automated re-evaluation of the bid ranking will be included.
- 9.2.3. The call will also contain an application to demand. The candidate must complete the application and in

return send it through electronic means to the auction portal or administrator.

- 9.2.4. After delivery of the completed application, the auction portal or administrator sends to the candidate a ten-digit access key with the use of which the candidate may enter into the e-auction room.
- 9.2.5. The demand will take place in one stage.
- 9.2.6. The e-auction room will be available to the candidates, where they can submit their final price in compliance with the submitted proposal of each candidate. Each candidate in the filing stage can see only its own bid.
- 9.2.7. The demand will finish after time limit expiration. The time limit will be shown in the call but it will not be less than 14 days.
- 9.2.8. After completion of the demand, the candidates may print the protocols from the course of the demand.
- 9.2.9. The validity period of the access keys will be determined in the call and after expiration of this period, the candidate will not be able to log into the demand.

9.3. **Information related to the electronic means, conditions and specifications of technical connection**

The computer must be connected into the Internet and installation of one of the following supported web browsers is necessary:

- Microsoft Internet Explorer version 11.0 and higher (<http://microsoft.com/ie>)
- Mozilla Firefox version 13.0 and higher (<http://firefox.com>)
- Google Chrome (<http://google.com/chrome>)

It's also necessary to have Adobe Flash Player installed (<http://get.adobe.com/flashplayer>), and pop-up windows, javascript and cookies must be enabled. For instructions on how to enable cookies go to: <http://proebiz.com/en/support>.

The Contracting Entity is not liable for any loss of the communication connection or power supply or any malfunction of the computer of the candidate during the entire demand.

10. **Information on the result and contract conclusion**

10.1. **Information on the result of bid evaluation**

- 10.1.1. The Contracting Entity will further proceed according to Article 55 of the Public Procurement Act regarding the information on the result of bid evaluation.

10.2. **Contract conclusion**

- 10.2.1. **The Contracting Entity must not conclude a contract with a candidate who is obliged to register in the Public partners register according to Act no. 315/2016 Coll. as amended and it is not registered in this register, or whose subcontractors are obliged to register in the Public partners register and they are not registered therein.**
- 10.2.2. The Contracting Entity may conclude a contract with the successful candidate or candidates **no earlier than on the sixteenth day** as of the date of sending the information on the result of bid evaluation according to Article 55 of the Public Procurement Act, if no request for remedy was delivered, if a request for remedy was delivered after expiration of the deadline according to Article 164 par. 3 of the Public Procurement Act, or if no objections were delivered according to Article 170 of the Public Procurement Act.
- 10.2.3. In concluding the framework contract, the Contracting Entity will further proceed according to Article 56 of the Public Procurement Act.

11. **Other tender conditions**

11.1. **Bid binding period**

The period during which the candidate is bound by its bid (bid binding period) expires on 31st October 2020. During this period the candidates are bound by their bids and must not withdraw from them. The bid binding period may be adequately extended by the Contracting Entity in justified cases while the candidates will be informed in advance about such extension of the bid binding period via JOSEPHINE system. (e.g in case of application of revision procedures or filing objections against the procedure of the Contracting Entity, etc.).

11.2. Variant Solution

- 11.2.1. Submission of a variant solution is not enabled. If a variant solution is submitted in the bid it will not be taken into consideration in bid evaluation.
- 11.2.2. In case of variant solution submission, if it is not clear which of the submitted variants is the main solution, a variant listed as the first in the list of submitted documents in the cover letter of the bid shall be included into the bid evaluation. If a variant solution is not listed in the bid cover letter, a variant listed as the first in the proposal of the candidate for performance of the criteria for bid evaluation shall be included in the bid evaluation.

11.3. Conditions of Competition Cancellation

The Contracting Entity will cancel this Competition, if the conditions for its cancellation pursuant to Article 57 par. 1 or 2 of the Public Procurement Act are met.

11.4. Bid bond

The Contracting Entity does not require any bid bond.

12. Further Information

12.1. Costs of the candidates for participation in the Competition

Participation of candidates in this Competition is voluntary and it represents their own business risk. All costs of candidates related to their participation in this Competition, as well as with preparation and submission of their bids, and the related communication between the Contracting Entity and the candidates will be borne in full scope by the candidates. The Contracting Entity shall bear no liability and shall not provide any candidate with any compensation of any costs or damages in connection with its participation in this Competition regardless of the fact whether the candidate is successful in this Competition or not, and that is applicable even in case of cancelling this Competition due to any reason.

12.2. Relevant Law and Other Legal Information

This Competition is governed by the respective legal regulations of the Slovak Republic. If it is proven that a candidate, whose proposal is successful in the Competition and with whom the framework contract should be concluded, has submitted in its bid any invalid certificates or documents or presented incorrect information in its bid, and thereby it misled the Contracting Entity and gained undue advantage towards other candidates in the Competition, the proposal of such candidate shall be excluded from the Competition. If such conduct of the candidate is proven only after conclusion of the Contract, the Contracting Entity reserves the right to take steps leading to fair remedy, including the right to file to the competent public administration authority or court a petition for determination of invalidity of such concluded Contract. The candidate, who has acted this way, is then responsible in full for all damage caused by its conduct.

13. List of Annexes of the Tender specification

- Annex 1: Commercial and Contractual terms and Conditions (T&C's)
- Annex 2: Affidavit according to point 5.1. letter a) of Tender specification
- Annex 3: Affidavit according to point 6.4. letter c) of Tender specification